

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
January 9, 2013
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Forrest, Schroeder, Kilberg, Potts, Platteter, Cherkassky, Fischer, Carpenter, Staunton, Grabiell

Members absent: Scherer

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Fischer moved approval of the December 12, 2012, meeting minutes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARING

A. Variance. Cooke. 6844 Point Drive, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is a corner lot located north of Dunberry Lane and west of Point Drive consisting of a rambler with an attached two car garage. The property owner is hoping to add a garage stall to the west, a small addition to the back of the home and a second story addition above the first floor

Aaker explained that the property is subjected to two front yard setbacks because there are adjacent homes fronting both Dunberry Lane, (south), and Point Drive, (east). The subject home is “lined up” with the home to the north along Point Drive, however, is much farther south towards Dunberry Lane than the home to the west.

Aaker pointed out ordinance allows 200 square feet of additional encroachment per built floor at the existing nonconforming setback. The ordinance requires that additions in excess of 200 square feet must maintain the required setbacks. The home conforms to all of the setback requirements with the exception of the required setback from Dunberry Lane. The first floor requires a variance to allow 231 square feet of additional encroachment beyond the 200 square feet allowed by ordinance, however, all of the second floor is required to comply with setback since there is no 2nd floor currently. The front yard setback of the home to the west is 77.5 feet from Dunberry Lane. The subject home provides 31.5 foot setback from Dunberry Lane. Any improvement on the subject property to within the existing nonconforming 31.5 foot setback from Dunberry requires a 46 foot setback variance.

Planner Aaker concluded that staff recommends approval of the variance based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with existing conditions and matches the nonconforming setback of the existing home.
- 3) The imposed setbacks severely limit design opportunity. The intent of the ordinance is to provide adequate spacing from the street. The proposed home will match the setback of the existing home that has been located on the lot since 1957.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans: Survey date stamped: December 17, 2012
Building plans and elevations date stamped: December 11, 2012.

Appearing for the Applicant

Matt Cooke

Applicant Presentation

Mr. Cooke addressed the Commission and informed them he agrees with the findings and conditions established in the staff report. Cooke explained when he first purchased his house he didn't think there would be a problem extending the garage and found out otherwise during the permitting process.

Discussion

Chair Grabiell asked Planner Aaker if the proposed garage extension complies with the required side yard setback. Aaker responded in the affirmative.

Commissioner Forrest asked the applicant if he ever considered recessing the new garage bay. Mr. Cooke responded that option wasn't considered; however, he stated he's not averse to recessing the bay.

Chair Grabiell opened the public hearing.

Public Comment

Tim Wood, appearing for his mother Cheryl Wood, 4420 Dunberry Lane, said his mother was concerned that her clear view would be compromised as she backs out of the garage by this addition. Wood noted their driveway slopes and with a reduced view inclement conditions may cause her to slide not allowing her adequate "stop" time.

Chair Grabiell thanked Mr. Wood and asked if anyone else would like to speak to the issue; being none Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Platteter commented that he likes the suggestion of recessing the third garage stall, adding that recessing that stall would help the adjacent neighbor with site lines.

Commissioner Carpenter stated he can support the request either way, adding if the applicant is willing to make that adjustment and recess the third garage stall that's a bonus.

Commissioner Staunton asked Mr. Cooke his plan for the third garage stall. Mr. Cooke responded that the additional stall would be used for storage. Staunton asked Mr. Cooke if he would be willing to recess the third stall. Cooke responded in the affirmative adding the third stall has its own garage door.

Commissioner Fischer asked Planner Aaker the setback from the west property line (Mrs. Wood's property). Planner Aaker responded the subject property maintains a 25-foot setback

from that common property line.

Commissioner Schroeder noted there is the possibility that by recessing the garage an additional variance could be required. Schroder pointed out the setback is already at the minimum 25-feet.

Chair Grabiell commented that it is difficult to rework a plan during a meeting; however he suggested to the applicant if it's possible recess the garage. Commissioner Kilberg commented if he could vote, for consistency, he would vote in favor of the variance as proposed.

Commissioners agreed the applicant could recess the garage if it works within the ordinance requirements.

Motion

Commissioner Fischer moved variance approval based on staff findings and subject to staff conditions. Fischer further noted that the proposed third garage is 25-feet from the adjacent neighbor; not 5-feet. Commissioner Staunton seconded the motion. Ayes; Schroeder, Potts, Platteter, Carpenter, Staunton Fischer, Grabiell. Nay; Forrest. Motion carried.

B. Variance. Cragg. 5024 Bruce Avenue, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property, is located at the end of Bruce Place Cul-de-sac and backs up to Minnehaha Creek. The existing home on the property was built in 1940, consists of two story home with an attached two car garage, The existing home is nonconforming regarding the required 50 foot setback from Minnehaha Creek. The existing home is located 40.38 feet from the edge of Minnehaha Creek or 9.62 feet closer than allowed by ordinance. At the time the home was built there were different setback requirements in place allowing structures to be closer to water bodies than current city code allows. The zoning ordinance was amended in the early 1990's changing the setback requirement from Minnehaha Creek to a 50 foot minimum setback. The change was required so the City of Edina would be consistent with the MN Department of Natural Resource's requirements. The ordinance change caused the current home, as well as many others along the Creek and other water bodies, to become nonconforming. The change doubled the setback previously required from Minnehaha Creek.

The applicant is planning to tear-down the existing nonconforming home and replace it with a new two story home with an attached two car garage. The

applicant has indicated that the new home will conform to the entire ordinance requirements with the exception of the required setback from Minnehaha Creek. The new home is proposed to be closer to the creek than the existing home. The new home is proposed to be 34.04 feet from Minnehaha Creek or 6.34 feet closer to the creek than the existing home.

Planner Aaker concluded that staff recommends that the Planning Commission deny the variance based on the following findings:

- 1) With the exception of the variances requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District. It would appear however, that a new home could be designed to match the existing nonconforming setback of the home which would be a more reasonable variance to consider.
- 2) The proposal would not meet the required standards for a variance, because:
 - The proposed use of the property is not reasonable; as it will increase encroachment into the setback required and currently provided from Minnehaha Creek.
 - The practical difficulties in complying with the ordinances are the narrow building pad allowed by current standards and required setback from the Creek. Staff could perhaps support a request to maintain the existing nonconforming setback of the home from the Creek with new construction. Staff cannot support a request or identify difficulties with not matching the existing nonconforming creek setback.

Appearing for the Applicant

Mr. and Mrs. Cragg and Dan Murphy, architect.

Discussion

Commissioner Platteter asked Planner Aaker to clarify what's included when calculating setback from the creek. Planner Aaker responded everything is included when calculating setback from a water body.

Commissioner Potts asked Planner Aaker to go over the side yard setbacks. Planner Aaker explained that on the east the project meets the minimum 5-foot side yard setback for a garage. Aaker said she had concern that the side yard setback on the west at the corner may not meet the minimum setback; however she was assured by the architect it would meet code. Aaker further explained that at this time the plans preliminary pending variance approval.

Commissioner Schroeder noted the mention of a buffer or berm along the edge of the creek and questioned what the pattern of development would be in that area; will there be turf, lawn plantings, what would be there. Continuing, Schroeder asked the width of this “zone”. Mr. Murphy responded they haven’t finalized the design of this “area”.

Chair Grabiell noted there are many properties in Edina that don’t meet the mandated setback and asked Planner Aaker when the State changed the setback requirements did it allow for variances. Planner Teague responded in the affirmative, adding the City has the authority to grant variances.

Applicant Presentation

Dan Murphy addressed the Commission and said the plans as presented are Preliminary and organic, adding their intention is to preserve the existing natural resources. Murphy also noted a buffer along the creek would also be included. Continuing, Murphy said to the best of their ability they tried to stay within the existing footprint to minimize any impact. Concluding Murphy said in his opinion the variance as submitted doesn’t go against the spirit of the Code.

Mrs. Cragg explained their goal was to place to keep it “up” on the lot and as close to the location of the existing house as possible. She explained their lot slopes down and includes a wooded area, adding drainage from the street also flows down toward the creek. Cragg said their intent is to plant native vegetation in this area that’s good for water bodies. Continuing, Cragg noted their plan is to run natural stone around the edge of the creek, reiterating they will plant wonderful native plants; it won’t be just grass running all the way down to the creek bed. Cragg noted if the new house was placed farther to the west the house would block the neighbors view. She also reported this is one of the only areas to “get” a lawn mower through from front to back. Concluding, Cragg reiterated they don’t want to impact anyone’s sight lines; they love their neighbors, adding the new house will not be going any closer toward the creek than the existing deck. Cragg said she truly believes the house as presented will fit.

Chair Grabiell observed that he understands the new house will maintain the same setback; however replacing the deck with house in not the same.

Discussion

Commissioner Potts said he appreciates all the work submitted for this project, adding what he would like to see in more detail are plans and information on how the creek would be protected. Potts said in this instance pulling the house as close to the street as permitted makes the most sense and would have less impact on the creek.

Mrs. Cragg reiterated their lot slopes and the goal is to keep the new house “up” and protect the views for the neighboring properties. She also added that aesthetically she

believes it will look better in the proposed location.

Commissioner Forrest said one area that concerns her is the impact this project will have on the creek, the existing vegetation and neighbors during the construction phase. Mr. Murphy explained that a substantial slit fence would be added along with all construction requirements established by the City. Murphy said the site would be continually monitored not only by the applicant but by the City and the Watershed District as well.

Chair Grabiell opened the public hearing.

Public Comment

Todd Peterson 5034 Bruce Place told the Commission he supports the project as presented, adding in his opinion it's reasonable. He pointed out the "piece" requiring the variance won't even be seen from the front street. Concluding, Peterson said water run-off issues would be improved, reiterating he has no objection to the project as submitted, it's a reasonable request.

Chair Grabiell asked if anyone would like to speak to this issue; being none, Commissioner Platteter moved to close the public hearing. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Staunton said one thing that strikes him about this lot is the "buildable area". He noted lot coverage is 10% and if he calculated correctly the buildable area of this lot is only 13% when taking into account the flood plain, water body setback, and other setbacks. Staunton acknowledged this is an unusual situation, and an unusual oddly shaped lot. Continuing, Staunton said he is also curious about what's included in the landscaping plan along the creek and Commissioner Schroeder's point regarding plantings, size of "zone" etc. Concluding, Staunton said he understands the plans are preliminary; however, more information is needed.

Commissioner Schroeder said the intent of the ordinance was to establish a setback that protects the creek as a natural resource. Schroeder added he is sensitive to this ordinance, reiterating its intent is to protect the natural resources. Continuing, Schroeder said he supports the setback of the new house; however stressed he wants to see the materials, vegetation and measures used to protect this natural resource not only after the house is built but during the construction phase too.

Mr. Murphy said he is working closely with the Minnehaha Watershed District and would also be complying with their requirements. Schroeder stated he envisions this "buffer area" as a permanent system.

A discussion ensued on City requirements and Watershed District requirements with Commissioners expressing they want to take the position of protecting the City's natural resources.

Commissioner Potts reiterated what he would like to see is what their actual "plan" is to protect the shoreline, adding he understands that the Watershed District requirements would also be met.

Commissioner Platteter said he is struggling with the deck vs. building, adding they aren't the same thing. Platteter acknowledged the lot is difficult; however much still isn't known. He concluded the City's natural resource needs to be protected.

Commissioner Forrest asked if the Commission could define the size/width of a "filter" strip, at 7-feet, 15-feet. Commissioner Schroeder said that can be done; however, with what was presented to us we don't have enough information to do that.

Commissioner Carpenter said he agrees with that comment, adding from the discussion so far it doesn't appear that the Commission has enough information about plantings, buffer, and length and size of (a) "strip". Concluding, Carpenter said the Commission shouldn't act on what we don't have.

Chair Grabiell said in his opinion all comments are well taken. He noted this proposal impacts a public resource and trying to decide how to "re-do" this during a meeting isn't best. Concluding Grabiell said this proposal needs more work. .

Commissioner Forrest pointed out the request could be tabled asking the applicant to provide more information or have a vote. Planner Aaker responded if the Commission votes to deny the request the applicant must wait one year to reapply; unless the proposal is significantly different.

Commissioner Platteter agreed with past comments; however, he added he would be against any structure moved closer to the creek.

Commissioner Staunton stated he is sympathetic to the issue; however, he would like more information on water quality and landscaping along the creek, tabling the request would be best.

Motion

Commissioner Staunton moved to continue a 15.96-foot setback variance from Minnehaha Creek to the next meeting of the Planning Commission January 23, 2013. Commissioner Forrest seconded the motion. Ayes; Forrest, Schroeder, Potts, Carpenter, Staunton. Nays; Platteter. Motion carried.

VII. REPORTS AND RECOMMENDATIONS

A. Zoning Ordinance Update – Residential Development

Commissioner Platteter addressed the Commission and explained he along with Commissioners Forrest and Potts have been working on residential development policies and potential ordinance changes. Platteter delivered a power point presentation highlighting the following:

- Develop a process to understand the current residential rebuild situation
- Create public input forums for feedback into any zoning updates
- Study if new lot subdivisions under 75-feet are feasible; and
- Resident concerns with current residential rebuild situation.

Platteter noted that the Commission has been addressing Ordinance updating since 2007 with a number of issues already addressed. Included in the discussion topics were:

- Building height restrictions. These were enacted with a maximum of 35 - 40-feet to the ridgeline.
- Measure building height from existing grade rather than proposed. Enacted.
- Increase side yard setback requirements on lots 60-75 feet wide. Enacted
- Eliminate bay window setback exception. Enacted
- A finished first floor elevation ordinance that would only allow a new house first floor elevation to be 1-foot higher than the existing first floor elevation.

Continuing, Platteter added that residential FAR (floor/area ratios) had also been discussed but no action was taken.

Platteter also noted their “group” found that to date the majority of concerns expressed were; 1) construction impact and 2) new home sizes and setback. He reminded the Commission that the City is in the process of enacting a formal Construction Management Plan to be enforced with weekly monitoring and that the Commission needs to remember that in Edina all residential projects are governed by the R-1 zoning district.

Platteter said that public input should help clarify where the Commission needs to go with this. He also added they have reached out to the public through various outlets and would continue to do so.

Concluding, Platteter asked the Commission to again keep the following dates in mind:

- January 26th public input forum/Senior Center 10 AM – Noon
- January 31st – public input forum/Senior Center 7-9 pm

Platteter said it is their goal to bring something back to the Commission at the February 13th meeting.

Chair Grabiell thanked the three Commissioners for their work on this project.

Commissioner Staunton thanked Potts, Platteter, Forrest for their work on behalf of the Commission

The Commission endorsed the ongoing work by the work group.

VIII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged back of packet materials.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Schroeder shared with the Commission photos of construction sites where trees had been impacted by the piling of earth around them. Schroeder said what these pictures indicate is the very real possibility that these large trees won't make it because their roots are covered. Schroeder stressed the importance of the tree canopy as being part of "neighborhood character".

Chair Grabiell stated Platteter and Forrest share the prize for best attendance; 100%.

X. STAFF COMMENTS

Planner Teague invited Commissioners to attend a UIL workshop on "Navigating the New Normal" on February 12 at the Senior Center 6-8 PM.

Planner Teague also reported the Sidell subdivision would be coming before them on the 23rd with a sketch plan.

XI. ADJOURNMENT

The meeting was adjourned at 8:50 PM.

Respectfully submitted